

REMARKS

A. Allowed Claim

Claim 4 is noted as being allowed.

B. Canceled Claim

Rejected apparatus claims 13 – 23 are canceled.

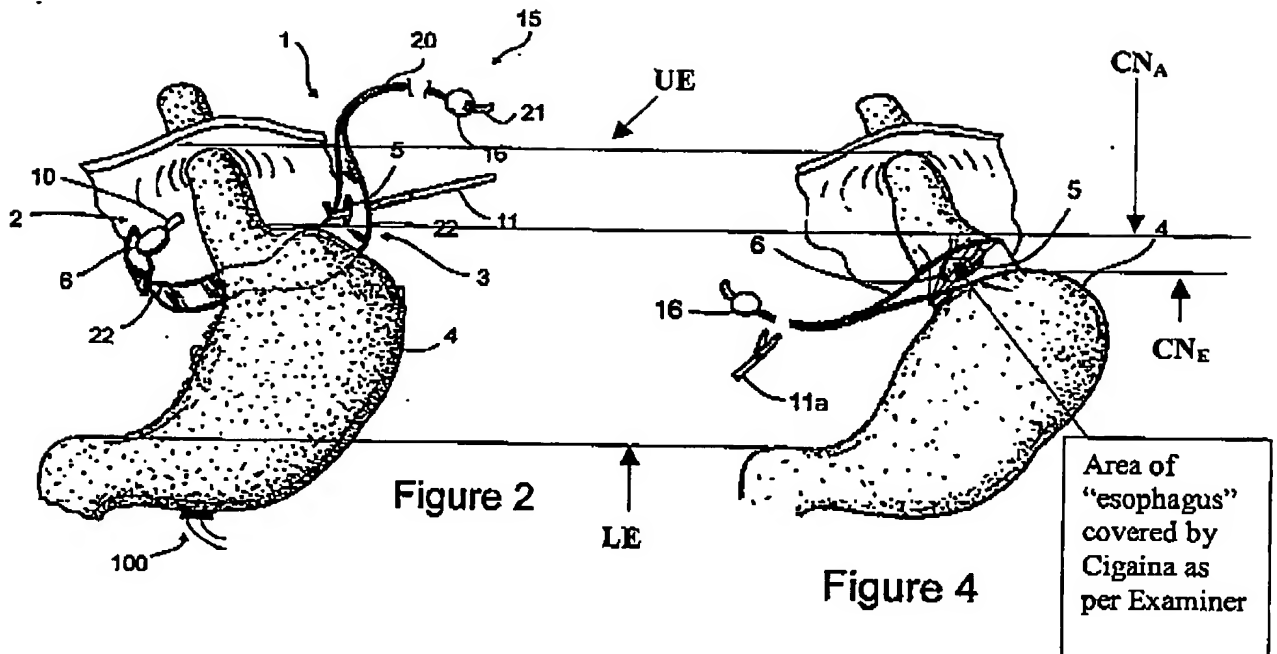
C. Remaining (and Hereby Amended) Independent Method Claims

In the final Office Action on page 2, the Examiner states the independent claims include “no limitation stating the reducing element is place above the cardiac notch.” Independent claims 1 and 13 are amended to state the reducing element is placed “around both said esophagus including surrounding a portion of said esophagus above said original cardiac notch portion and said stomach.”

With the foregoing amendment, the Examiner’s objection is addressed and Cigaina (and any combination with it) are distinguished. No portion of Cigaina extends above the original cardiac notch location (line CN_A in the drawing below).

The Examiner had darkened an area of the Cigaina patch (shown in cross-lined below and labeled “Area of ‘esophagus’ covered by Cigaina as per Examiner”). Applicants assert that this area is not part of the esophagus but is part of the stomach. This is also supported by Figs. 5A and 5B of Cigaina. However, even if part of the esophagus, this area is not above the original cardiac notch location CN_A and certainly does not surround the esophagus above the original cardiac notch location CN_A.

As result, Figs. 2 and 4 do not clearly show the structure and method of Applicant’s claims. M.P.E.P. § 2125.

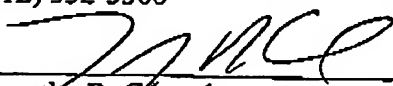


For the reasons given above, Applicants respectfully submit that, upon entry of this amendment, this application is now in condition for allowance. Reconsideration, entry of this amendment and Notice of Allowance are solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Timothy R. Conrad
Reg. No. 30,164
TRC:lmb